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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF HAWAII

In re) Case No. 19-00002
ANDREW LAWRENCE DIXON,) (Chapter 13)
Debtor.)
) **STANDING TRUSTEE'S MOTION**
) **TO DISMISS CHAPTER 13 CASE**
)
) **HEARING:**
) Date: June 3, 2019
) Time: 9:30 A.M.
) Judge: Hon. Robert J. Faris
)
)
)

STANDING TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE

Standing Trustee HOWARD M. S. HU (“Trustee”), by and through his undersigned counsel, hereby submits this Motion to Dismiss Chapter 13 Case (“Motion”) initiated by Debtor ANDREW LAWRENCE DIXON’s (“Debtor”) on January 2, 2019.

The deadline established for non-governmental entities to file a proof in this proceeding was March 13, 2019. As of the claims bar date, a total of 16 claims had been filed, including claims by the Internal Revenue Service and the Hawaii Department of Taxation. Neither the Debtor nor any other party-in-interest has filed an objection to any of the claims identified in the claims register.

Barring any non-contingent and/or unliquidated claim, including the two adversarial proceedings initiated on April 9, 2019 against the Debtor, the total amount of secured claims as identified in the claims register is \$1,506,383.12, which is clearly in excess of the debt limit established under 11 U.S.C. §109(e) as of January 2, 2019, the date on which Debtor’s petition was filed. Specifically:

“(e) Only an individual with regular income that owes, on the date of the filing of the petition, . . . noncontingent, liquidated, secured debts of less than \$1,184,200 . . . may be a debtor under chapter 13 of this title.”

The amount of Debtor's non-contingent, liquidated, secured claims are in excess of the debt limit established by the United States Bankruptcy Code.

For the reasons set forth above, this Chapter 13 proceeding should be dismissed.

DATED: Honolulu, Hawaii, April 22, 2019.

/s/ STEVEN GUTTMAN
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